

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST LITIGATION

Case No. 18-cv-01776 (JRT-HB)

This Document Relates To:
ALL ACTIONS

**[PROPOSED] ORDER REGARDING
EX PARTE WITNESS CONTACT
DISCLOSURES**

1. DISPUTED PARAGRAPH

Plaintiffs' Proposal: In representing their respective clients and contacting individuals regarding the subject matter of the litigation, the lawyers in this action, as defined in subparagraph (d), shall after verifying the identity of an individual who is contacted as a possible fact witness:

Defendants' Proposal: In representing their respective clients and contacting individuals regarding the subject matter of the litigation, the lawyers in this action, as defined in subparagraph (d), shall at the outset of the interview of any potential fact or expert witness:

AGREED PARAGRAPHS

- a) fully disclose their representative capacity to the individual contacted, including the firm they are associated with, the party they represent, and their reason(s) for making contact;
- b) inquire and confirm whether the individual contacted is a current or former employee of an adverse party, and if they are a current

employee, stop the interview immediately;

- c) inquire whether the individual contacted is currently represented for purposes of the subject matter of this litigation, and if so, stop the interview immediately; and
- d) for purposes of this Stipulation and Order, the phrase “lawyers in this action,” shall include (i) any lawyer that is a member of, associated with, employed by, or otherwise affiliated with any law firm that has made an appearance on behalf of any party in this case, even if such lawyer has not individually filed a notice of appearance in the case; (ii) any non-lawyer employee, agent, or representative of any law firm that has made an appearance in this case; and (iii) any other individual, including but not limited to an investigator, working for a person identified in clauses (i) or (ii) of this subparagraph (d).

2. DISPUTED PARAGRAPH

Plaintiffs’ Proposal: If the individual contacted is a (i) former employee of an adverse party that is unrepresented for the purposes of the subject matter of this litigation, or (ii) person whose interests the party making contact knows or reasonably should know may be adverse to the interests of the party making contact, the lawyers in this action shall provide the following additional disclosures:

Defendants’ Proposal: If the individual contacted is a (i) former employee of

an adverse party that is unrepresented for the purposes of the subject matter of this litigation, or (ii) person whose interests the party making contact knows or reasonably should know may be adverse to the interests of the party making contact, the lawyers in this action shall provide the following additional disclosures **at the outset of the interview**:

AGREED PARAGRAPHS

- a) inform the individual contacted of his or her right to refuse to be interviewed;
- b) inform the individual contacted of his or her right to have his or her own counsel present during the interview;
- c) inform the individual contacted that he or she should not divulge privileged communications during the interview.

3. DISPUTED PARAGRAPH

Plaintiffs' Proposal: If the lawyers in this action leave a voicemail for a potential fact witness, they will not misrepresent their identity or affiliation in the voicemail.

Defendants' Proposal: If the lawyers in this action leave a voicemail for a potential fact **or expert** witness, they will not misrepresent their identity or affiliation in the voicemail.

4. AGREED PARAGRAPH

This Order Regarding *Ex Parte* Witness Contact Disclosures shall govern all

parties in the above-captioned case and any related actions that may later be consolidated with this case.

SO ORDERED.

Dated: _____

HILDY BOWBEER
MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT